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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,947	12/27/2000	Frank Dumont	PA000001	6473

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EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/748,947

Applicant(s)

DUMONT ET AL.

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed 10/21/2005, have been entered and made of record. Claims 11-26 are pending.

***Response to Arguments***

2. Applicant's arguments filed on 10/21/2005 have been fully considered but they are not persuasive. See the new ground(s) of rejections set below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US Pat. No. 5,371,551) in view of Hrusecky (US Pat. No. 6,317,164).

Regarding claims 11 and 17, Logan discloses a digital video system using concurrent recording and playback, comprising:

an encoder of a first analog signal into a first digital stream (see Fig.1, 4B and 4C; col. 3 lines 8-11; col. 4 line 14-25);

a decoder of a second digital stream into a second analog signal (see Fig.1, Decompressor 8; col. 3 line 20-27);

a medium interface for reading and recording on a medium (see Fig.1 memory system 5; col.3 line 16-20);

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at least one digital source outputting a third digital stream (see Fig.1 RF tuner 4A see col.3 line 60-63);

a multiplexer coupled to the encoder and to the decoder and to the digital source and to the medium interface (see Fig.1 a switching node 3 col.3 line 8-11). It is inherent that the multiplexer must comprise a first switch, which selectively couples the decoder to the encoder or to the digital source. Claim 1 differs from Logan in that the claim further requires wherein the multiplexer comprises a first switch, which selectively couples the decoder directly to the encoder or to the digital source such that the first digital stream from the encoder is able to be communicated to the decoder without prior recording.

In the same field of endeavor, Hrusecky discloses the multiplexer (see selecting switch (25) comprises a first switch, which selectively couples the decoder (see digital video decoder (27) directly to the encoder or to the digital source such that the first digital stream from the encoder is able to be communicated to the decoder without prior recording (see col. 3 line 64-col. 4 line 38). Hrusecky further discloses sources (see fig. 1 (11, 12, 14) are provided satellite, CD, ROM, or DVD disk or combinations of various sources (see col. 4 lines 10-17). Hrusecky further discloses the sources are encoded in accordance with MPEG standard (see col. 4 lines 1-9 and lines 24-30). Hrusecky further discloses frame buffer (see fig. 1 buffer (28) and display screen (29)) stores frame and the display screen displays frames stored in the buffer (see col. 4 lines 61-66). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan by providing a decoder directly coupled to the source in order to decode a plurality of digital video data streams using a single decoder.

Regarding claims 12 and 18, Logan shows in figure 1 the multiplexer (the switching node 3), which selectively couples the medium interface (memory system 5) to the encoder (input signal processing unit 12). It is inherent that the switching node (3) comprises a second switch which selectively couples the memory system (5) to the input signal processing unit (12).

Regarding claims 13, 16, and 19, Logan shows that the switching node(3) selectively couples the decoder (see Fig.1, Decompressor 8 col. 3 line 20-27) to the encoder(see Fig.1, 4B and 4C col. 3 lines 8-11; col. 4 line 14-25), to the digital source, (see fig.1 RF tuner 4A and col.3 line 60-63), to the transcoder(see fig.1 compressor, 4D and col. 3 line 68-70) or to the medium interface(memory system 8; see col.3 line 25-28).

Regarding claim 14, Logan teaches a transcoder receiving a fourth digital stream is coupled to the multiplexer (see fig.1 compressor 4D, and col. 3 line 69).

Regarding claim 15, Logan shows in Fig.1 that the second switch (the switching node 3) connects the medium interface (see fig.1, memory system 5) to the encoder (see fig. 1 the compressed RF tuner 4B and 4C), to the digital source (see fig.1 4A) or to the transcoder (see fig1. compressor 4D).

Regarding claims 20 and 22, Logan teaches that the digital encoder coupled to a tuner for receiving analog signals (see col. 3 line 60-63).

Regarding claim 21, limitations in claim 21 can be found in claim 11 above. Therefore, claim 21 is analyzed and rejected as previously discussed with respect to claims 11. It is noted that the Logan discloses a medium interface for reading a second digital stream from a medium (see fig. 1 (5) and col. 3 lines 11-24). Logan further discloses a decoder for decoding the first

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digital stream or the second digital stream into a second analog stream (see fig. 1 and col. 3 lines 1-27).

Regarding claim 23, Logan teaches that the second analog signal is sent to a display (see col. 3 line 20 and fig. 1 where it shows output from (8) to (10)).

Regarding claim 25, Logan teaches means for allowing the first digital stream (see fig. 1. RF tuner 4A in box 12, input signal processing unit) to be recorded on the medium by the medium interface (fig.1, memory 5 see col.3 line 24-27).

Regarding claim 26, Logan teaches in figure 1 a second switch (switching node 3) has an input connected to the encoder (signal processing unit 12) and an output connected to the medium interface (memory system 5).

5. Claims 11, 17, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigatti (US Pat. No. 6, 614,984) in view of Hrusecky (US Pat. No. 6,317,164).

Regarding claim 11, Rigatti discloses a digital video recorder comprising an encoder of a first analog signal into a first digital stream (see fig.5, A/D (5) and col. 3 lines 49-51. The A/D converts the first analog signal into first digital stream); a decoder of a second digital stream into a second analog signal (see fig. 5 analog output (8) and input/ output port (12) and col. 4 lines 3-12); a medium interface for reading and recording on a medium (see fig. 5 memory (1) and col. 3 lines 38-47); at least one digital source outputting a third digital stream (see col. 3 lines 47-49 and fig. 5 digital input (15)); and a multiplexer coupled to the encoder and to the decoder and to the digital source and to the medium interface (see fig. 5 switch (14), is coupled to the A/D (5), Input/output port (12), D/A (18), memory (1), and col. 3 lines 48-64 and col. 4 lines 3-12),

the multiplexer comprises a first switch, which selectively couples the decoder to the encoder or to the digital source (see col. 3 line 65-col. 4 line 20). Claim 1 differs from Logan in that the claim further requires wherein the multiplexer comprises a first switch, which selectively couples the decoder directly to the encoder or to the digital source such that the first digital stream from the encoder is able to be communicated to the decoder without prior recording.

In the same field of endeavor, Hrusecky discloses the multiplexer (see selecting switch (25) comprises a first switch, which selectively couples the decoder (see digital video decoder (27) directly to the encoder or to the digital source such that the first digital stream from the encoder is able to be communicated to the decoder without prior recording (see col. 3 line 64-col. 4 line 38). Hrusecky further discloses sources (see fig. 1 (11, 12, 14) are provided satellite, CD, ROM, or DVD disk or combinations of various sources (see col. 4 lines 10-17). Hrusecky further discloses the sources are encoded in accordance with MPEG standard (see col. 4 lines 1-9 and lines 24-30). Hrusecky further discloses frame buffer (see fig. 1 buffer (28) and display screen (29)) stores frame and the display screen displays frames stored in the buffer (see col. 4 lines 61-66). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan by providing a decoder directly coupled to the source in order to decode a plurality of digital video data streams using a single decoder.

Regarding claim 17, limitations in claim 17 can be found in claim 11 above. Therefore, claim 17 is analyzed and rejected as previously discussed with respect to claims 11. It is noted that the Rigatti discloses a digital video recorder comprising a digital encoder (see col. 3 lines 49-51 and fig. 5 A/D (5)). Rigatti further discloses a digital decoder (see col. 4 lines 3-12 and see fig. 5 analog output (18) and input/ output port (12)); a medium interface for reading and

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recording on a medium (see fig. 5 memory (1) and col. 3 lines 38-47); a multiplexer (switch 14 in fig. 5) coupled to the encoder and to the decoder and to the digital source and to the medium interface (see fig. 5 switch (14), is coupled to the A/D (5), Input/output port (12), D/A (18), memory (1), and col. 3 lines 48-64 and col. 4 lines 3-12), the multiplexer having a first switch which couples the digital decoder to the digital encoder (see col. 3 line 65-col. 4 line 20).

Regarding claim 21, limitations in claim 21 can be found in claim 11 above. Therefore, claim 21 is analyzed and rejected as previously discussed with respect to claims 11. It is noted that the Rigatti discloses a medium interface for reading a second digital stream from a medium (see col. 3 line 45-col. 4 line 12 of Rigatti).

Regarding claim 24, Rigatti discloses a first switch (see output from A/D (5) and input to switch (14) in fig. 5) has a first input connected to the encoder (see col. 3 lines 49-54), a second input connected to the medium interface (see input from second format controller (4) in fig. 5 and col. 4 lines 13-20) and an output connected to the decoder (see analog output (18), D/A (6), or input/output port (12) in fig. 5 and col. 4 lines 6-12).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bock (US Pat. No. 6,370,199) discloses a multiplexer directly couples an encoder and a digital source to the decoder.



7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

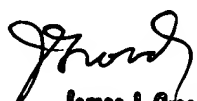
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES J. GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
January 6, 2006

  
**James J. Groody**  
Supervisory Patent Examiner  
Art Unit 262-2616